

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

FEB 18 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2009-0014
)	DEPARTMENT A
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
JUAN FRANCISCO)	the Supreme Court
MANRIQUEZ-VIZCARRA,)	
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF GILA COUNTY

Cause No. CR-2008-094

Honorable Peter Cahill, Judge

AFFIRMED

Emily Danies

Tucson
Attorney for Appellant

H O W A R D, Chief Judge.

¶1 Appellant Juan Manriquez-Vizcarra was convicted after a jury trial of possession of a dangerous drug and possession of drug paraphernalia. The trial court found Manriquez-Vizcarra had two historical prior felony convictions and sentenced him

to presumptive, enhanced, concurrent terms of imprisonment, the longer of which was ten years.¹

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing she has reviewed the entire record and found no arguable issue to raise on appeal. In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), counsel has also provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel’s recitation of the facts. Manriquez-Vizcarra has not filed a supplemental brief.

¶3 Viewed in the light most favorable to upholding the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that Payson police officers had entered a camping trailer with the consent of one of its occupants, and Manriquez-Vizcarra, who was also in the camper, consented to a search of his person. Around his neck, he was wearing a zippered case containing small plastic bags filled with a powder that was later determined to be methamphetamine.

¶4 We conclude substantial evidence supported findings of all the elements necessary for Manriquez-Vizcarra’s convictions, *see* A.R.S. §§ 13-3407; 13-3415(B), and

¹Appellant’s brief states that the trial court sentenced Manriquez-Vizcarra to an aggravated term. Although the sentencing minute entry correctly states that the trial court considered aggravating circumstances, it also indicates that the sentence was a presumptive term. And any possible confusion is clarified in the transcript. *See State v. Bowles*, 173 Ariz. 214, 216, 841 P.2d 209, 211 (App. 1992) (remand not required when sentencing discrepancy resolved by reference to record).

his sentences are within the authorized range, *see* A.R.S. §§ 13-105(22); 13-703(C), (J).²

In our examination of the record pursuant to *Anders*, we have found no reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. Accordingly, we affirm Manriquez-Vizcarra’s convictions and sentences.

/s/ _____
JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ _____
PHILIP G. ESPINOSA, Presiding Judge

/s/ _____
VIRGINIA C. KELLY, Judge

²The Arizona criminal sentencing code has been renumbered, effective “from and after December 31, 2008.” *See* 2008 Ariz. Sess. Laws, ch. 301, §§ 1-120. For ease of reference and because the renumbering included no substantive changes, *see id.* § 119, we refer in this decision to the current section numbers rather than those in effect at the time of the offense.